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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,452	04/04/2001	Raleigh J. Jensen	ACE106.02	8028

7590 05/21/2003
Joseph W. Holland
P.O. Box 1840
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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/21/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,452

Applicant(s)

Jensen

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The amendment filed March 11, 2003 has been entered. It is noted that in view of the amendment practice under 37 CFR 1.121 which became effective for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Claim Rejections - 35 USC § 112, 1st paragraph

2. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support in the original disclosure for the tensioning device comprising one or more tensioning screws that threadedly engage both the first and second head members as set forth in claim 2. ✓ Rather, support is provided for tensioning screws that threadedly engage only one of the head members.

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Claim Rejections - 35 USC § 112, 2nd paragraph

3. Claims 4 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 4, [✓]“an aperture” is vague and indefinite as to whether it is referring to “an aperture” in claim 1 or to another such aperture, and it is seems that “an” should be changed to --said-- or the like.

In claim 6, lines 4-5, [✓]“an aperture” is vague and indefinite as to whether it is referring to “an aperture” in claim 1 or to another such aperture, and it is seems that “an” should be changed to --said-- or the like.

In claim 7, line 5, [✓]“an aperture” is vague and indefinite as to whether it is referring to “an aperture” in claim 1 or to another such aperture, and it is seems that “an” should be changed to --said-- or the like.

In claim 8, line 5, [✓]“the first head member” is vague and indefinite and appears to be inaccurate, and it seems that “first head member” should be changed to --tensioned blade-- or the like.

In claim 10, ^xline 2, “a bearing face” is vague and indefinite as to whether it is referring to “a face” set forth in claim 8 or to another such face; in line 4, “an aperture” is vague and indefinite as to whether it is referring to “an aperture” in claim 8 or to another such aperture; in

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general, this claim appears to be substantially redundant with respect to subject matter set forth in claim 8 from which it depends.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hecker, pn 1,695,761.

Hecker discloses a cutting head assembly with every structural limitation of the claimed invention including a first head member (e.g., 10,11) including a first set of returns (e.g., the notched areas of 10), wherein the first head member is adjustably connected to a second head member (e.g., 2, 3, 4) including a second set of returns (e.g., the notched areas of 4); a cutting member (e.g., 9) having a first end, a second end, a length and a width, wherein the first end and the second end are secured to the cutting head and the length of the cutting member is positioned about the first and second sets of returns in a serpentine configuration, and wherein a leg of the cutting member extends across an aperture formed through the cutting head; and a cutting member tensioning device (e.g., 13, 14) disposed between and adjustably engaging the first head

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member (e.g., portion 10 of the first head member) and the second head member (e.g., portion 3 of the second head member).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecker, pn 1,695,761.

Hecker discloses tensioning screws (e.g., 13) but lacks the tensioning screws threadedly engaging the head members. However, the Examiner takes Official notice that such screw configurations are old and well known in the art and provide various known benefits such as providing for a reduction in parts and a simpler construction. Therefore, it would have been obvious to one having ordinary skill in the art to replace the screw configuration of Hecker with such a configuration wherein the tensioning screws threadedly engaging the head members (for example, by eliminating the wing nut 14, reversing the screw 13, providing threads in the corresponding holes of member 10, and threadedly engaging the screws into the holes) for the well known benefits including that described above.

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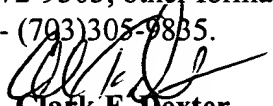
8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecker, pn 1,695,761, in view of Stuart, pn 1,868,401.

Hecker lacks each set of returns having a height substantially equal to a width of the cutting member. Stuart discloses a cutting assembly with such a cutting member support configuration for providing a desired cutting operation; for example, the cutting support configuration of Stuart provides for the cutting members to be disposed substantially in the same plane across the aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide the cutting member support configuration of Stuart for the obvious benefits including that described above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cfid
May 19, 2003